

Remarks:

Claims 1, 15 and 18 have been amended. Accordingly, claims 1-22 are currently pending for consideration.

I. Amendments:

Claims 1, 15 and 18 have been amended by including the feature that the moisture content of the polymer film is less than about 6 weight %. Support is found on page 3, lines 3-5 in the specification. Claims 1 and 15 have further been amended by defining the interlocking unit to be a panel and that: "the interlocking unit is provided with coupling parts at least along the edges of two opposite sides of the panel forming an interlocking unit". Support is found on page 2, lines 4-14 in the specification. No new matter has been added.

II. The Invention:

The presently claimed invention is directed to an interlocking unit, which needs no activation step upon assembling and which has long storage life and improved storage properties before the interlocking unit is assembled to another interlocking unit.

III. Rejections:

- a. Rejection of Claims 1-7, 9-11, 13, 14 and 16-22 under 35 U.S.C. § 103(a) in view of Kettler et al and Morita et al.:

Claims 1-7, 9-11, 13, 14 and 16-22 stand rejected under 35 U.S.C.103(a) as being unpatentable over Kettler et al (US Publication 2002/0083673), in view of Morita et al (US 4,943,612). Applicants respectfully traverse.

Applicants submit, and the Office Action acknowledges, that Kettler et al. merely disclose a parquet board with a groove and tongue edge profile and do not disclose any polymer film.

Morita et al. discloses the use of an aqueous polymer latex emulsion generally in an adhesive composition in the fabrication of wood products. However, Applicants are unaware of any disclosure, teaching or suggestion by Morita et al of providing an interlocking unit having a polymer film applied with moisture content of less than about 6 weight %, as presently claimed. In that regard, Applicants are unaware of any disclosure, teaching or suggestion of drying of an applied adhesive composition before joining two pieces, let alone drying to a moisture content as presently claimed.

In contrast to Morita et al, the present invention is directed to an interlocking unit which is a panel that has not yet been joined with a further interlocking unit. Thus, the presently claimed invention defines a piece which is intended to be (but not yet) joined with further interlocking units. Applicants submit that they are unaware of any disclosure by Morita et al about parts to be joined which have, on one or both parts, an applied polymer film which is very dry (less than 6 weight % moisture).

The Office Action attempts to remedy this shortcoming of Morita et al, with regard to claim 4 (which specifies a moisture content less than 2%), by contending that "it is inherent the claimed invention has moisture content" and "the prior art is capable of being made with these limitations." Applicants respectfully disagree.

If the claimed moisture content is inherently disclosed by the cited references, it must be necessarily present and a person of ordinary skill in the art must recognize its presence. Crown Operations Intern. Ltd. V. Solutia Inc., 289 F.3d 1367, __, 62 U.S.P.Q.2d 1917, 1922-23 (Fed. Cir. 2002) (citing In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999)) (Emphasis added). Inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." Id. at 1923 (quoting In re Oelrich, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981)).

Applicants submit that the claimed moisture content (prior to assembling the interlocking unit, as claimed) is not inherent (i.e., necessarily present) in the cited references. In that regard, Applicants respectfully submit that one skilled in the art

would understand that the adhesive of Morita et al would be applied (with a much higher moisture content than 6%) and then dried after the wood pieces are assembled, as is typical for use of adhesives for joining wood pieces together.

Therefore, even if Kettler et al and Morita et al are combined, it is respectfully submitted that they fail to disclose all features of the independent claims of the presently claimed invention. Claims 1, 15 and 18 are, thus, not obvious in view of Kettler et al in view of Morita et al.

Accordingly, it is respectfully requested that the rejections of claims 1-7, 9-11, 13, 14 and 16-22 under 35 U.S.C. § 103(a), as being obvious over Kettler et al, in view of Morita et al, be withdrawn.

b. Rejection of claims 8 and 15 under 35 U.S.C. § 103(a) in view of Kettler et al, Morita et al, and Lelli et al:

Claims 8 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kettler et al and Morita et al, further in view of Lelli et al (US 6,617,386). Applicants respectfully traverse.

The Lelli et al reference is directed to a textured finish composition that includes an acrylic latex binder and an aggregate. Applicants submit that they are unaware of any disclosure, teaching or suggestion by Lelli et al of applying a polymer film to an interlocking unit, as claimed.

As claims 8 depends from claim 1, claims 8 and 15 each require the claimed moisture content as discussed above. Applicants respectfully submit that Lelli et al fail to cure the deficiencies with respect to Kettler et al and Morita et al (as discussed above). On this basis alone, it is respectfully submitted that the asserted combination of references do not render these claims obvious.

Accordingly, it is respectfully requested that the rejections of claims 8 and 15 under 35 U.S.C. § 103(a), as being obvious over Kettler et al and Morita et al, further in view of Lelli et al, be withdrawn.

- c. Rejection of claim 12 under 35 U.S.C. § 103(a) in view of Kettler et al, Morita et al, and Rockrath et al:

Claims 12 stands rejected under 35 U.S.C.103(a) as being obvious over Kettler et al and Morita et al, in further view of Rockrath et al (US 6,410,646). Applicants respectfully traverse.

The Rockrath et al reference is directed to a process for producing scratch resistant coatings. However, Applicants respectfully submit that they are unaware of any disclosure, teaching or suggestion by Rockrath et al of applying a polymer film to an interlocking unit, as claimed.

As claim 12 depends from claim 1 and incorporates all its limitations, claim 12 requires the moisture content as discussed above. Applicants respectfully submit that Rockrath et al fails to cure the deficiencies with respect to Kettler et al and Morita et al (as discussed above). On this basis alone, it is respectfully submitted that the asserted combinations of references do not render the current claims obvious.

Accordingly, it is respectfully requested that the rejection of claim 12 under 35 U.S.C. § 103(a), as being obvious over Kettler et al and Morita et al, in further view of Rockrath et al, be withdrawn.

Conclusion:

In light of the foregoing, Applicants respectfully submit that the application as amended, including claims 1-22, is now in proper form for allowance, which action is earnestly solicited. If the Examiner has any questions relating to this Amendment or

to this application in general, it is respectfully requested that the Examiner contact Applicants' undersigned attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert C. Morriss", with a long, sweeping horizontal line extending to the right.

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